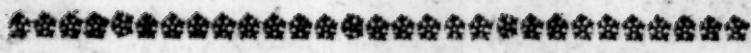


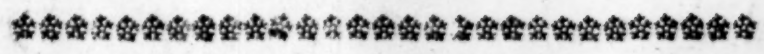
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T H E
C A S E
O F

MR. JAMES GIBSON, &c.



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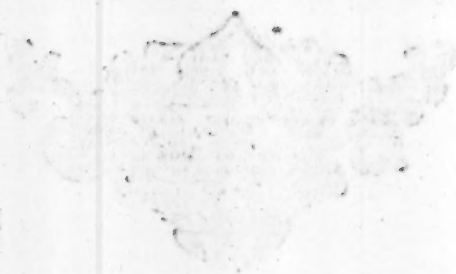
THE
CASE
OF
MR. JAMES GIBSON,
ATTORNEY AT LAW,
Faithfully and Impartially stated.



Let not MERCY and TRUTH forsake thee; bind them
about thy Neck, write them upon the Table of thine
Heart. So shalt thou find favour and good under-
standing in the Sight of God and Man. *Prov. iii. 3, 4.*

L O N D O N:
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M DCC LXVIII.

THE
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1827

THE UNIVERSITY OF TORONTO
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1827

T O T H E
R E A D E R.

THE public having been long amused with a falacious story, that I had not only offended a written law, but also been guilty of premeditated fraud, and that to a great amount. But although the varience in the sum, as at different times reported (it being sometimes three thousand, sometimes two thousand, and at others fifteen hundred pounds) might be sufficient, with the just and discerning, to occasion a doubt of the whole; yet the passion of prejudice has so strongly prevailed, that this poison has been with great greediness sucked in, and gained too general a belief, infinitely to my prejudice. A just man will never load a prisoner with crimes he is not guilty of, but will mingle mercy with justice. The case of a prisoner is unhappy indeed, when he is under the power of a person who does not adhere to the above rule. Who will start up a voluntary champion for the distressed? Rare is such a friend to be found, especially for a prisoner loaded with crimes. The crimes he is justly charged with, are not only readily believed by the multitude, but

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a little ingenuity also loads him with offences he never committed, even in idea. In this case, how wretched are the circumstances of a prisoner? He hears not those unjust charges till they have gained belief, and very difficult is it then to undeceive. But the discerning part of mankind will not shut their minds against conviction; they will hear both parties, and then judge from facts and circumstances.

From these considerations, and at the ardent desire of my few remaining friends, I have been induced to lay the following pages before the public, containing a strictly true narrative of my unhappy case, devoid of all colouring and flourishes, and developed of of every disguise; but which would never have seen the light, had not my unkind prosecutor still continued to divest himself of humanity, and strayed too wide from truth.

Although in this narrative it will appear I have been very indiscreet, and guilty of what is by no means justifiable; yet I can, and do, with the greatest solemnity aver, I have not been guilty of fraud, either in act or thought; and that I doubt not will appear to every reader who is possessed of that impartiality which characterizes every enquirer after truth.

J. GIBSON.

THE

T H E
C A S E
O F

MR. JAMES GIBSON, &c.

SOMETIME, in or about the year 1749, Mr. F——s was appointed assistant solicitor to the Lords of the Treasury, under John Sharpe, Esq. their Lordships then solicitor: at which time I was in employ under Mr. Sharpe as one of his clerks, and in particular in that branch of his extensive business. This naturally drew a connection between Mr. F——s and me: But what more particularly strengthened it at that time was a disgust which a person, then in Mr. Sharpe's employ, had taken against Mr. F——s, on being disappointed in succeeding to the office Mr. F——s was possessed of; and my refusing to join him in throwing every stumbling-block in Mr. F——s's way to impede the due execution of his office, but on the contrary, giving and taking the greatest
A pains

pains to instruct and make him acquainted with the business he was appointed to execute. This drew on me the malice of Mr. F——s's enemy, but engaged Mr. F——s to profess himself my friend: the fruits of which were, his recommending me (on my quitting Mr. Sharpe) to Mr. John Harrison, of New-Inn, as clerk (a worthy gentleman, with whom I continued several years, and to whose kind instructions I am indebted for the little knowledge I have in the common law); and from this time I was frequently employed, by Mr. F——s, in transacting for him such little matters in the common law as he was occasionally engaged in; till about Feb. 1756, when, at his request, I left a very worthy gentleman (with whom I was happily situated) to engage with him as his clerk for a yearly salary, with the privilege of transacting my own business as an attorney.

In this employ I continued till the year 1761, when Mr. William Perkins, of Lincoln's-Inn, dying, Mr. F——s entered upon his chambers and business, through the interest of his aunt, the widow of the late Hutton Perkins, Esq. which business I solely conducted and managed for upwards of a year; when Mr. F——s made a proposal to me to enter into co-partnership with him. This proposal I took some time to consider of, being then possessed of a pretty
and

and increasing] business. But after some-time (contrary to the advice of my friends) I consented, and articles of co-partnership were drawn; but such alterations proposed by him as I could not consent to.

The terms of the articles in general were, that in consideration of my faithful services, Mr. F——s agreed to take me into joint and equal co-partnership; that I should not only conduct and manage the whole business of the co-partnership, but also by myself, and such clerks as we should employ, assist in the business of the government gratis, except in such matters where Mr. F——s could make a charge upon the crown; in which cases the profits were to be equally divided: that he should disburse all monies for the business, and the co-partnership to continue twenty-one years; with many other articles not material to mention.

I principally objected, that his supplying barely money to carry on the business, would not be sufficient: the business he was then engaged in consisting in general of long and expensive chancery-suits; in which it appeared, returns were very seldom made, and that consequently I should want supplies for my family occasions, which must come from him till such times as the returns in business should make it unnecessary. And further, that I had an absolute objection to the term of twenty-one years; which

which I conceived to be unreasonable, as I well knew the whole executive part of the business must lay upon me, and the increase of it depend upon my assiduity; and therefore proposed that some shorter term should be mentioned, and that renewed as we should see proper, or that a clause should be inserted, for determining the co-partnership upon a certain period, upon notice to be given by either party.

To the first of my objections, respecting his supplying money, he agreed, but rather insisted on the term of twenty-one years; but finding me resolute in not subscribing to that term, he said, He did not doubt but we should soon agree upon the term, as all other objections were removed, and requested the co-partnership might commence on the 1st of Sept. 1762, and that the articles should be executed when the term for which they were to continue should be agreed upon.

Our unfortunate co-partnership accordingly commenced on the 1st of Sept. 1762; but in a few months I had too much reason not to be fond of a continuance of it, for instead of his supplying all monies necessary to carry on business, with that alacrity and success, which those who wish to get honour and advantage thereby would choose, as also for my own necessary occasions. It was with difficulty I could obtain of him sufficient to carry on that business

ness which could not be neglected; a protraction of which was with too much justice complained of.

During the first six months of our co-partnership Mr. F——s advanced to me, by draughts upon Mess. Hoare, four fifty pounds, and by a bank-note thirty pounds, making in the whole 230 l. the whole sum he ever advanced. The greatest part of which was expended in council and office fees: And with the greatest difficulty were these sums obtained, although at that time I had much distressed myself to support the business with credit, never enduring to suffer clerks, stationers, or others, to ask twice for their money. This exhausted my own little property. And, finding Mr. F——s's behaviour by no means agreeable, I took a resolution to leave him; and accordingly removed my books, &c. and left the chambers. Happy had it been for me if I had never returned! But two days afterwards, at his request, I attended him, when he expressed a sorrow for the occasion of my withdrawing, assured me of his entire satisfaction of my conduct in business, and promised to supply every thing necessary for conducting business in the manner I desired, which unhappily induced me to agree to a continuance with him. But notwithstanding these promises, I could never afterwards get him to disburse one shilling,
except

except paying a clerk-in-court's bill, who can certify the public, with what readiness it was discharged. When my applications to him for money have been pressing, his put-offs have been, 'It is out of my power; I am called upon for the ballance of my account as receiver of the Colerane estate ‡. I have the process of the pipe against me for my cattle account †; and that he could get no money from a gentleman § for whom he was much in advance. But Mr. Sharpe's accounts are passed, and will be paid in a few days; when I shall receive a considerable sum.' These answers, knowing the two first to be facts, engaged me to continue; and soon after receiving a sum of money in business, enabled me to carry on the same with some degree of alacrity. But this sum being quite exhausted, when I received Mr. Hunt's remittance for the ballance of his accounts; and finding it impracticable to get any further advance from Mr. F——s, I very imprudently applied that

‡ Mr. F——s was by appointment of the Court of Exchequer several years receiver of the late Lord Colerane's estate.

† Meaning the bounties paid by government for cattle who were killed pursuant to the directions of acts of Parliament, of which Mr. F——s was General Paymaster. I will avoid making any observation here, notwithstanding the strong familiarity of circumstances. Facts are known to many.

§ Whether this fact is true or false, it has no relation to our co-partnership.

that money to business, and as imprudently sent him the fictitious paper which has occasioned my destruction, meaning thereby nothing more than to amuse him, till I should by receipts be enabled to place that money where it was intended. And knowing that two capital bills would shortly be paid; and expecting to receive them, I applied for and obtained an order of the Court of Chancery, to invest Mr. Hunt's ballance, but this I was prevented carrying into execution, Mr. F——s receiving those bills and applying the whole to his own use. This involved me in great distress; and, not being able to obtain any money from Mr. F——s, I was obliged to continue disburfing till much more than all I had so received was gone, when I received Mr. Hunt's second ballance; and being then much distressed, applied it to the same use I had the former, hoping soon to be able to replace the whole; no less than eight hundred pounds being due on two bills for business, which I had great reason to hope would be soon settled and paid.

Mr. F——s now began to enquire after Mr. Hunt's accounts, and whether he had remitted his ballance. I informed him that his accounts were passed, and that I had received the ballance, never pretending to him that I had invested them; on this he
seemed

seemed somewhat disconcerted ; not that the accounts were passed, but that the balance had not come to his hands ; (if it had, the known procedure in other accounts would have spoke the application of it) he desired me to get it invested ; but I informed him it was not then in my power ; but as soon as money came in, it should be done. But soon after finding that not likely shortly to happen, Mr. F——s having possessed himself of the funds from which the payment of the bills I expected were to proceed, I determined to raise the money among my friends, and to pay these balances, and then call Mr. F——s to account for the monies due to me. Accordingly I applied to my friends, and met with assurances of a supply sufficient for my purpose ; on which I applied to the Court of Chancery, and obtained an order to invest the last ballance. But before I could complete the sum necessary, Mr. F——s wrote a letter to Mr. Hunt, accusing him of holding a secret correspondence with me, and remitting to me the ballance of his accounts instead of him. And that I had not invested the same. This naturally startled Mr. Hunt, who wrote to Mr. F——s, (by his particular direction to his own house) denying (with truth) holding any secret correspondence with me, his letters being always

ways address'd to the firm of our co-partnership, viz. F——s and Gibson, Lincolns-Inn; and express'd his surprise at this letter. At the same time informing Mr. F——s that he had received copies of certificates of the monies being invested. This letter was received by Mr. F——s on Saturday the 6th of December 1765, the greatest part of which day we were together; and I then being assur'd of being supplied with the whole sum necessary to invest Mr. Hunt's money in two or three days, took occasion to mention to Mr. F——s, that I should be able to invest Mr. Hunt's ballance by the middle of the week. To which, with a remarkable coolness, (which I could not help taking notice of) he replied, 'Do so.' And on that evening desired I would call on him the next morning (Sunday) and bring an account of what I had laid out for his brother Humphry, in maintenance and fitting him for the sea, and he would pay me. This account had been about one year standing. My disburse was near 100 l. and I had received of Mr. F——s on account 50 l. and no more. I therefore was much pleas'd with Mr. F——s's propos'd of paying me, and accordingly wait'd on him with his brother's bond, &c. all tied up in a bundle, which I so deliver'd to him, at the same

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time

time informing him that they contained a true account of all my disbursements on his brother's accounts. But that some of the receipts were only copies, I having bought the things for his brother in general of my own tradesmen, two or three of whom had inserted the items in my general accounts with them; to which I had their receipts, which I would produce to him, if he desired it. Mr. F——s took the bundle, and without untying it laid it by him, and said, 'It is very well; he was busy then, but that he would go over them with me at his first leisure, at which time he would pay me the ballance.' And thus he got out of my hands the vouchers for my disburse on this account, without settling them or paying one shilling on account thereof. But another use was to be made of them, as will appear presently.

The next day Monday the 8th of December, 1765, Mr. F——s and I attended together in the Court of Exchequer in Serjeants-Inn till about twelve at noon, on a cause we had then in hearing before that Court. After this we separated, and I attended the Court of King's-Bench at Guildhall; where we had a cause depending, which was that evening tried before my Lord Mansfield; from thence I went, supped and spent the evening with my client.

On

On my return home I was laid hold on by Mr. Marsden Sir John Fielding's clerk, and two of Sir John's men. Mr. Marsden, Mr. F——s, one of my clerks, and a number of Sir John's people being patrolling the street in order to meet with me, while others stayed in the house, which they forcibly kept possession of.

Mr. F——s refused to see me that night, but consented I should not be taken out of the house till the next day. I was accordingly permitted to go to bed; and could then have escaped out of my chamber with the greatest ease. But I had not a thought that Mr. F——s could have carried his passion to such an extent; but on the contrary, had not the least doubt but that he would be guided by reason and justice, without taking advantage of an indiscretion, which he, in some measure, may be said to have been the cause of. But in this I have been mistaken.

The next morning Mr. F——s came to me attended by Mr. Peele, a very worthy gentleman of the law, and Mr. Pardo, who Mr. F——s employed to carry on the prosecution against me. In their presence I asked Mr. F——s what could induce him to take such a strange proceeding against me; that if he imagined I had injured him it was very easy to be ascertained whether

the fact was so or not. And that he well knew I had been his most zealous friend for upwards of seventeen years. In answer to this Mr. F——s shewed some warmth; and am sorry to say, asserted a gross falsehood; of which he was immediately convicted by the gentlemen present. He alleged, that so far from being his friend, I had attempted to draw the clients from him to myself; and to that purpose had printed and dispersed hand-bills about the town. This bold assertion struck me like a clap of thunder; but on recovering myself, I answered, that I had undoubtedly endeavoured by diligence and assiduity to gain the esteem of our clients for our mutual benefit, but never made use of any sort of means to alienate them from him (to most of whom he was indeed scarcely otherwise known than by name) and that I had never transacted any sort of business with any of them but at chambers, which I always made my seat of business; and never saw any of them at my house but at meal-times, when the office was shut. That as to the dispersing of hand-bills, I told him, I would not be so rude as to say he told a lie; for surely he would not be so bold as to assert a known falsehood in the presence of those gentlemen. That if such a thing was done I was totally ignorant of it,

it, and doubted not but he could produce one of those bills he mentioned as a proof, which would carry with itself some degree of conviction. To this Mr. F——s, with a sneer, replied, Your pretended ignorance is nothing. You have a hundred of those hand-bills at chambers. This startled me still further; but after some recollection I went into my study, and brought a book, in which an impression from a small copper-plate was pasted, on which was engraved my coat of arms, and the following words at the bottom: “James Gibson, Gent. Hatton-Garden.” This plate was engraved for me long before my co-partnership with Mr. F——s was thought of; and was intended and never used for any other purpose than to paste in my books; nor was a single impression from it ever delivered to any person whatever. This Mr. F——s could not be ignorant of, from the nature of the thing itself, as also from the use himself had seen me make of them; and, the inspection of my books at chambers, I produced this book to him, asked him if the paper pasted on the inside of the cover was the hand-bill he mentioned, which he immediately answered in the affirmative; on which I produced it to the other gentlemen, and declared, that if Mr. F——s could shew that one of those papers had
ever

ever been in the hands of another person, I would admit it to bear the name he gave it. But here he became silent, and the gentlemen declared that the paper had no sort of resemblance to a hand-bill, and that Mr. F——s must be mistaken.

I was soon after taken before Sir John Fielding, where was assembled Mr. F——s, Mr. Pardo, Councillor Salusbury Jones, and other assistants; although I had not a single friend with me. Here I first heard of the letter before-mentioned, to be received by Mr. F——s on the Saturday preceeding, from Mr. Hunt, in answer to his; and which was then read, as the ground of the prosecution against me. Here, in justice to Sir John Fielding, I must say, that throughout the whole proceeding he treated me with the greatest mildness and gentility. And when I requested Mr. F——s to interceed with that worthy magistrate to give directions for my being treated with as much humanity as possible, and Mr. F——s, with great coolness, replying, “I have no objection to your being treated with humanity;” Sir John, with great good nature, asked me what prison I would choose to go to? And having named New-Prison, as thinking it in the most convenient vicinity for my friends, and having also some knowledge of the keeper, he immediately

mediately called to the officer, and expressed himself in the following manner: " Officer, " this gentleman desires to go to New- " Prison; tell the keeper that I know him, " and expect that he is treated in every re- " spect as a gentleman." And addressing himself to me, said, " Mr. Gibson, if you " meet with any sort of ill treatment, or " find any imposition endeavoured to be " practiced upon you, write me a note, " and you shall have immediate redress."

For which genteel behaviour of Sir John, I beg he will, in this public manner, receive my most grateful acknowledgments: although, I am sorry to say, that the keeper of that prison, rather through compulsion than inclination, paid any regard to his directions, for I received from him the most brutal treatment, but was prevented from complaining to Sir John from some kind behaviour I received from the people that keep the tap, who shewed me a deal of humanity.

Immediately on my commitment to prison, or perhaps before, my desk and drawers, at my chambers, were broke open, and every sort of book, paper, and vouchers whatsoever, taken from me; together with some little matters of private property, but what in particular I cannot recollect; and even my drawers, at my house,

were

were ranfacken and rummaged, by what authority I know not; nor was I ever permitted to go to the chambers, or have I ever received from Mr. F——s any sort of property so taken from me.

The day after I was committed to prison, I sent to Mr. Serjeant Davy, and requested him to attend me, which he was so obliging to do, when I laid my whole case before him, and requested him to attend Mr. F——s, to propose to him, by authority of my friends, to settle the account between us, and to induce him so to do, that in case he had any thought of a ballance being in his favour, my friends would deposit in his hands three or four hundred pounds; and further, give undeniable security to any amount, to answer any ballance that might appear on such settlement due to Mr. F——s. This Mr. Serjeant Davy assured me he accordingly did; and that Mr. F——s's answer was, he could or would not do it for ten thousand pounds.

Mr. Hunt was immediately sent for express, and I was on Thursday or Friday (my memory does not furnish me to say which) again called before Sir John Fielding, when Mr. Hunt was present; and I again experienced Sir John's genteel behaviour. I there informed Mr. Hunt of the proposal that had been made by Serjeant Davy

Davy. He said, It was the first notice he had had of it, and that he should not have objected to any good security for his money; and expressed rather an unwillingness to prosecute. On which Mr. F——s, at his own request, assisted by the advice of Mr. Pardoe, entered into a recognizance to prosecute me, and Mr. Hunt was bound in recognizance to give evidence. On this I was finally committed to prison, and was brought to Newgate on Saturday the 13th of December, 1765.

Soon after this Mr. F——s inserted an advertisement in the daily-paper, declaring our co-partnership dissolved; and sent notice to all our clients not to pay me any monies whatsoever; nor have I since that time received a single shilling.

At the time I was taken into custody I had in my hands about two hundred and seventy pounds of a client's; who, on hearing of my situation, sent a relation of his to me in prison to apply for it. I told him, that if Mr. F——s would consent to settle accounts with me, he should have it immediately; but that I had already applied to him for that purpose, and he had refused it: and then mentioned Mr. Serjeant Davy's proposal, and Mr. F——s's answer; and that if Mr. F——s still persisted in refusing to settle our accounts, I must of necessity detain that sum for the

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present,

present, as it was my only resource in the long field of misery I had before my eyes; but assured him, that in any event his money should be secure. The gentleman behaved very genteel, and said, that under my circumstances he could not press me strongly, and left me apparently very well satisfied.

At my last examination before Sir John Fielding Mr. F——s demanded this money of me. I told him, I would in no event give it to him, nor could he ever be injured thereby; but that if he would settle accounts with me, it should be directly paid to the gentleman whose property it was. But this Mr. F——s pushed at.

Almost immediately after my imprisonment Mr. F——s was applied to by Mr. P——ns for a settlement of the accounts between him and our co-partnership, there being a bill due from him to us for business done, to the amount of near four hundred pounds. But near three times that sum of this gentleman's property being in Mr. F——s's hands, Mr. F——s told this gentleman, he could not settle any accounts with him, I having secreted all his books and papers, which prevented his making out his accounts. This occasioned Mr. P——s to call upon me, whom I intirely satisfied of the fallacy of Mr. F——s's allegation, and convinced

vinced him, that so far from my having secreted any books, papers, or writings, I was not possessed of a single scrip (except the papers in the cause I tried before my Lord Mansfield on the day of my imprisonment, which were then in my pocket, but since delivered to the party) Mr. F——s having possessed himself of all books, papers and vouchers whatsoever, without permitting me to have even a copy of any one thing; and that his bill had been drawn out by me and delivered to Mr. F——s, for his approbation, a very short time before my imprisonment †; which Mr. P——s afterwards found to be true, and in consequence thereof paid me several friendly visits, and has since done me some acts of kindness; for which I hereby return him my most sincere thanks. Several other persons were sent to me, by Mr. F——s, to enquire after papers by him alledged to be in my hands; who informed me, that Mr. F——s asserted, I had not only taken away all his papers, but had likewise ruined him. To some he had said, I had defrauded him of three thousand pounds; to others two thousand; and to others fifteen hundred. To these gentlemen I was obliged to state the truth of the case, viz. That the whole

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sum

† This bill in particular, is one of the papers I desired Mr. F——s to suffer me the inspection of; in my first letter hereafter set forth.

sum that ever came into my hands during our whole co-partnership, either from Mr. F——s (who as before-mentioned never advanced more than two hundred and thirty pounds) from business, or otherwise : howsoever including the sums I am charged with, very shortly exceeded two thousand two hundred pounds ; that out of that I had, for three years and three months, paid all expences whatsoever of carrying on business (except the clerk-in-courts-bill, chamber-rent, and coals for the chamber) ; that Mr. F——s had received out of business upwards of six hundred pounds ; and that when my imprisonment commenced, there was upwards of seventeen hundred pounds due to the co-partnership ; that upon the settlement of the accounts, I did not doubt but there would appear a ballance due to me ; that I had frequently requested this, and he had refused it ; and in particular mentioned the proposal which had been made by Mr. Serjeant Davy, and Mr. F——s's answer : these were naturally, and, as I intended, carried to Mr. F——s again, who, instead of setting the matter in a clear light beyond a contradiction, by consenting to a settlement of our accounts, which I had so often requested, only enraged him, and made him, if possible, the more bitter against me.

On

On the 20th of December, 1765, Mr. Boucher, my solicitor, called on me with a message from Mr. F——s, desiring me to send him an account of the monies I had disbursed in business. I told Mr. Boucher (as the truth was) that I could not possibly make out any such account, without the assistance of the books and papers; that if Mr. F——s would send me by his clerk the papers in one cause at a time, I would draw out the whole accounts in the presence of his clerk, who might take the papers away every evening; and accordingly I wrote and delivered the following letter to Mr. Boucher, to be by him carried to Mr. F——s.

“ S I R,

“ MR. Boucher has just now been with me,
 “ and informs me he has seen you, and that
 “ you desire I would let you have an account
 “ of the monies I have disbursed in business,
 “ and all papers that are in my possession. You
 “ may assure yourself, that I am very ready to
 “ give you and every person else every kind of
 “ satisfaction; and flatter myself you will rea-
 “ dily do the same, and consequently assist every
 “ thing in your power to enable me to gratify
 “ your request, and will not therefore refuse
 “ giving Mr. Boucher the duplicate of the bill-
 “ book, which will greatly enable me to make
 “ out a correct account of my disbursements,
 “ and

“ and also a copy of the draughts of Mr. Per-
 “ kins and Sir Matthew Lamb’s bills, the last
 “ I mean in Hale and Lamb. And if you will
 “ assist me with the papers in one cause at a
 “ time, I will draw out all the bills to the pre-
 “ sent time, and notice in each what I have re-
 “ ceived. As to papers in my custody, I don’t
 “ recollect any; if any there are, they can be only
 “ such as I may have, from time to time, taken
 “ home with me in an evening to expedite busi-
 “ ness, and forgot to take to chambers the next
 “ day. But if any such there are, you shall as-
 “ suredly have them. But I am confident I can
 “ have none of consequence, as I always made
 “ chambers my seat of business. I am,

“ Sir, your most distressed humble servant,

“ Dec. 20, 1765.

J. GIBSON.”

This letter Mr. Boucher informed me
 he delivered into Mr. F——s’s hand, and
 at the same time assured him, if he would
 intrust the book and papers of one cause at a
 time in his hands, he would give any secu-
 rity for the safe return of them; but this I
 am informed he absolutely refused, and
 added, as an observation on that part of my
 letter which desired him to send me the
 duplicate of the bill-books, “ Here is a ras-
 “ cal! you see he has made out two bill-
 “ books;” and added, “ I should have
 “ neither book nor papers;” but insisted on
 my sending him an account of my disburse.

This

This being absolutely out of my power, I having nothing but my memory, and a few memorandums in my pocket-book to assist me to make out an account for upwards of three years and three months. I immediately wrote Mr. F——s the following note.

“ Mr. Gibson is astonished Mr. F——s should
 “ demand of Mr. Gibson what he himself pre-
 “ vents his answering. Mr. Gibson, by his letter
 “ to Mr. F——s begged that favour which of
 “ natural right he is entitled to, and what in all
 “ events his representatives can demand, and that
 “ in particular the bill-book, of which there are
 “ duplicates, one part of which has been usually
 “ kept by Mr. F——s at his own house, and
 “ the other part in the office, and indorsed by
 “ the clerk as follows: The Office-Leidger.
 “ Mr. Gibson never examined those books, but
 “ the whole entries in one part is of the clerk’s
 “ (Cory) writing, and the other (except some
 “ small part of it which is of mine) the same.
 “ Mr. F——s will find he made a mistake,
 “ when he said, that the keeping two bill-books
 “ was a fraud in Mr. Gibson; for if he looks
 “ into the draft of the articles of co-partnership,
 “ he will find it expressly stipulated; and if he
 “ will ask Cory (if he has any doubt of the fact
 “ himself) he assuredly can inform him, that
 “ no part of that bill-book, or the duplicate,
 “ was ever taken from the chambers by Mr.
 “ Gibson, nor any papers whatsoever, without
 “ it was when hurry of business occasioned him
 “ to set up all night to execute his duty; and
 “ those

“ those papers were always brought to chambers
 “ the next day. It certainly must be of general
 “ benefit to suffer all the demands of the co-
 “ partnership to be made out ; which never can
 “ be done with due propriety, without Mr.
 “ Gibson’s assistance ; and which by his letter to
 “ Mr. F——s he earnestly desired he would en-
 “ able him to do ; by which Mr. F——s will
 “ not only see what remains due to the co-part-
 “ nership, but also what Mr. Gibson has receiv-
 “ ed, and what he has disbursed. It would be
 “ cruel to leave that to representatives which
 “ principals can determine. And Mr. Gibson
 “ wishes to make a compleat and not a partial
 “ account, which will speak more for itself
 “ than can be displayed by words.

To this Mr. F——s said he would send me
 an answer ; and a few days after his clerk
 brought me a note from him, which I ex-
 pected to have been an answer to my letters,
 but instead thereof, it was the following
 notice from Mr. F——s to dissolve our co-
 partnership :

“ James Gibson,

“ Take notice, that for certain reasons
 “ whereof you are well acquainted, I here-
 “ by declare the partnership which subsisted
 “ between you and me, as attorneys and so-
 “ licitors, is at an end, and that the same
 “ stands

“ stands dissolved from this day. Witness
“ my hand this 9th day of December, 1765.

“ T. F——s.

“ To Mr. James Gibson,
“ Attorney at Law.”

N. B. Although this notice is dated the 9th, it was not delivered to me till the 21st.

I asked the clerk, if he knew whether Mr. F——s had received my last letter? He told me he knew he had, and that he heard Mr. F——s say, he would send me an answer, but that he had not sent any by him.

On the 9th of January, 1766, I had a visit from Mr. P——s, who informed me that Mr. F——s was ill in bed. I thought this would be a proper time to address him again, and accordingly wrote him the following letter :

“ SIR,

“ I was this day informed by a person, who
“ was at your house, that you are ill in bed.
“ I am really sorry for it ; (whether you believe
“ me or not, is of no great consequence) and
“ hope no danger is to be feared, as you have
“ a family who must feel your loss very sensi-
“ bly ; though I a much larger, and who must
“ feel a loss in me in a more eminent degree.
“ Perhaps this illness may have divested you of
“ passion and prejudice that humanity demands.

D

“ Favours

“ Favours I have asked none ; nor can you pos-
 “ sibly grant me any. For the many ground-
 “ less (and to you must be known fallacious)
 “ reports which are every day brought to me,
 “ as being propagated by you and Cory,
 “ wound me to the soul, and makes every mo-
 “ ment of my life a pang of death. Did my
 “ letter deserve no kind of answer ? was there
 “ an unreasonable request in it ? I fear you
 “ have not read it ; but I am sure it was deli-
 “ vered to you, for the clerk told me you had
 “ received it, and would send me an answer. I
 “ could wish, for the sake of your family and
 “ mine, that the requests in my letter were com-
 “ plied with ; it might (as you must know, if
 “ you have any reflection without prejudice)
 “ prevent expences to our posterity, when we
 “ may be no more. And it is for posterity that
 “ I plead. As for myself, I am so wounded by
 “ your proceedings, that I frequently pray eve-
 “ ry night to be my last. And but from the
 “ reflection on a Divinity, which opportunely
 “ struck on my soul, should before this have
 “ given you the satisfaction you seem so ear-
 “ nestly to desire, which can’t be any thing but
 “ my death, which your most strained and un-
 “ presided proceedings plainly speak. If only
 “ a satisfaction was desired for any monies sup-
 “ posed to be in my hands, why was it not ta-
 “ ken when offered to you by Serjeant Davy,
 “ who I am assured did propose, that friends of
 “ mine would pay down three or four hundred
 “ pounds, and give undeniable security for any
 “ further sum that should be demanded, exclu-
 “ sive of the very large sum of money due to
 “ me

“ me on the co-partnership account, the settle-
 “ ment of which might have been completed
 “ since my letter, and must have given a satisf-
 “ faction to many persons, who I find are pre-
 “ judiced both against you and me. What can
 “ have occasioned you to treat me in the man-
 “ ner you have done, I confess myself at a loss
 “ to guess; for sure your heart tells you, I have
 “ ever been most zealously just and faithful to
 “ you for an uninterrupted term of near seventeen
 “ years. Your unwarranted allegation before
 “ Mr. Peele, of my dispersing hand-bills to
 “ draw the clients to myself, with some other
 “ extraordinary circumstances brought to me
 “ (which my still regard for you won’t suffer
 “ me quite to believe) does almost amount to a
 “ persuasion that my removal by any means
 “ would be advantageous, or at least desirable
 “ to you. I am,

“ Sir, your very humble servant,

“ J. GIBSON.”

This letter was delivered to Mr. F——s in his bed, by Mr. Boucher, who I also desired to request Mr. F——s to deliver him my printed books, and other private property that was in chambers; but my letter, and this request, I was informed, threw him into a violent passion, and throwing the letter down, exclaimed, “ D—n the fellow, “ what would he be at?” Which was all the answer I was indulged with.

Mr. F——s getting the better of his disorder, his rancour against me increased, and I suppose, fearing that he could not effectually destroy me by the prosecution he had already commenced, and recollecting what I had said to him on delivering him the account and vouchers for the money I had disbursed on his brother's account, he now opened that bundle, and dispatched his clerk to the several persons whose bills were contained therein, to know which of the receipts were not their own hands writing; and finding two of them to be as I mentioned, preferred and found two indictments against me for forging those receipts, upon no other evidence (the parties themselves not attending) as I was since informed by one of the grand-jury, than the clerk's oath, that he was informed by the parties, that those receipts were not of their hand-writing, although the money was really paid by me near twelve months before, and consequently no sort of demand had or could be made on Mr. F——s on those accounts. But these indictments were intended to inflame, and load me with a greater degree of guilt.

My trial being in print, I shall in general pass it over; but one matter, which hurt me not a little, I cannot help noticing; and that is, the evidence of one of my clerks, who positively swore he had known me

me two years, and was well acquainted with my hand-writing, from having often seen me write. In answer to which, I most solemnly declare, that I do not know or believe I had ever seen him till the day I hired him as my clerk, which, as I recollect, was the very day three weeks before I was taken into custody, and am positive that he never saw me put pen to paper, but on Saturday night preceeding the Monday on which I was taken into custody, when I sat down at the desk in the clerk's office to draw an addition to a brief, for a cause appointed to come on on Monday morning, to facilitate the copies being made by the clerks.

Some time after my trial, I was severely attacked by the goal-fever, from which I did not expect to recover, and was a long time confined to my bed therewith. This by some means got to the knowledge of the news-writers, and a paragraph was inserted that I was at the point of death. This Mr. F——s's good nature turned to a use; for a friend of mine, who had that day been at Westminster-Hall, came to me in the afternoon, and expressing much surprise to see me alive, informed me, that he had heard Mr. F——s, in Westminster-Hall that morning, publicly assert that I was dead, and had poisoned myself: and so effectually was this fallacy propagated, that I was afterwards informed

formed by the turnkey, that near an hundred people had been with him that day, to know whether the report was true or false. But it pleased God to recover me from that illness, though it was his divine will to afflict me twice since with violent and malignant fevers, both which confined me to my bed for a long space of time; from each of which it was not at all expected I should recover; but under God, by the skill and assiduity of my doctors and attendants, I was restored again to health, though but in an imperfect degree.

The great expences attending my defence, together with other calamities falling upon me, having reduced me to very great necessity; and having paid some fees (amounting to about seven pounds) for Mr. Joddrell† of Lincoln's-Inn, in an amicable cause we were concerned in, between my Lord Salisbury and my Lord Egmont, (Mr. Joddrell being at that time ill, and I at his request doing this business for him, paid his fees as above) I made several applications to Mr. Joddrell for payment of that sum; acquainting him at the same time with my great distress. But his final answer was, that Mr. F——s had applied to him and desired him not to pay it me, for that I had injured him
to

† These fees were paid to Mr. Maverley master Pechell's clerk, who I am confident will verify it.

to a very great amount; And accordingly he absolutely refused paying me any part of it. But which refusal I am confident did not flow from the principles of his heart, but from the prejudice he had imbibed. I also applied to Mr. Nuttall, the present solicitor of the treasury, by letter, setting forth my distressed situation in the most pathetic manner I was able, and requested him to pay me the monies I had been out of pocket, in a journey I had taken into Suffolk, by his direction, in August, 1765, on the government's business; and at the same time submitted to him the payment of what he thought proper to allow for my trouble therein to Mr. F——s. This letter was followed by others before I received any answer: but at last he sent me, by a young gentleman, the following note:

“ Mr. Nuttall can say nothing to Mr. Gibson's request, until he delivers to Mr. F——s an account of his expences and charges, which Mr. Nuttall has been told he has been † often desired to do: When that is done, the matter will be considered, and justice done Mr. Gibson.”

I im-

† This was the first time I ever was desired to make out this account; and the justice that was done me in this matter will presently appear.

I immediately made out the account of my disburse on this occasion, amounting to between sixteen and seventeen pounds. And agreeable to Mr. Nuttall's direction, I sent the same to Mr. F——s; and in about a month after sent to Mr. F——s, requesting the payment of it, but he would give no other answer, than that he had nothing to do with it. I on this again wrote to Mr. Nuttall, strongly urging my distresses, and intreating him to alleviate them by paying the above sum. But after many applications to him, he gave an answer to the following effect: 'That he was sorry for my distresses, but that he could not possibly pay me, Mr. F——s having assured him that I had injured him to the amount of some thousands of pounds, and had requested him not to pay me. Thus, in the deepest distress, was I refused that assistance I had a right to demand: for surely it cannot be contended by any body, that Mr. F——s had any sort of right to either of these sums, or without my authority would give any discharge for them, they being both totally abstracted from our co-partnership; but their being withheld from me, it was known, would add to my distresses, and that it appears was inducement sufficient for Mr. F——s to attempt it, in which he too well succeeded.

Mr,

Mr F——s has also given out that I was going abroad, and that was the reason of his laying hold on me in the manner he did. This is also without any sort of foundation in fact, and that a little reflection will evidently evince. I must have been a fool of the highest degree to have applied the monies which came into my hands in the manner I did, and run away pennyless. Besides another fact will convince the unprejudiced, that I had no intention either to defraud or run away. I had, a very short time before I was taken into custody, a considerable sum of money in my hands belonging to Charles Ketteridge, Esq. of Hampstead, which that gentleman, although a stranger to me, intrusted in my hands, and with which, had I conceived a bad intention, I had opportunities enough to have withdrawn; but I am sure that gentleman will do me the justice to declare his disbelief of my having any such intention; but on the contrary, that I transacted his business with diligence and integrity, as I doubt not all who know me will likewise do.

Sometime in June 1766, I was served with a process, in which Mr. F——s was also named, for the beforementioned sum of money mentioned to be in my hands at the time of my first imprisonment. I in-

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process

process to me, that I should make no sort of defence on my part; the money being justly due from me; and assured the gentleman, that in every event it should be secured, and informed him in what manner; but that the distresses I had laboured under, had rendered me incapable of doing any thing at that time; and mentioned to him the various applications I had made to Mr. F——s to settle our accounts, and his behaviour on those occasions. He told me, he should not trouble me any more on the occasion, but was determined to recover the money of Mr. F——s, if possible. I sent Mr. F——s an account of my being served with this process, and that I should not attempt any thing in defence of it on my own account.

I heard nothing more of Mr. F——s, or this action, till the latter end of January 1767, when he sent me by Mr. Boucher the queries set forth in the following letter: whereupon I wrote to him, on the 31st of January 1767, as follows:

“ Sir,

“ I am informed you are desirous I should answer you the following queries, respecting Mr. Bingham and Miss Pinckard.

“ 1. What Miss Pinckard’s business was when the money was received, and how and for what purpose?

“ 2. Whether I sent or asked for the money till it was wanted? “ 3. Whe-

“ 3. Whether it was paid to me for safe custody only till it was wanted?

“ 4. Whether I looked upon it as Mr. Bingham's or Miss Pinckard's money?

“ All which I shall readily answer for your satisfaction, notwithstanding the cruel treatment I have met with; but which I hope your heart is by this time become softened enough to lament being the cause of.

“ To your first query I answer: That the business Miss Pinckard had with me was merely to deposit the money in my hands, by Mr. Bingham's directions signified to her by letter, he having before left the money with her; and the application of the money was for the purchase of Mr. Smith's proportion of the Battersea estate, and to be paid to him on his and his wife's making a surrender to Mr. Bingham's use, which was not done by reason Mr. Sutton the steward of Battersea was in the country. This you do or might have known as well as me, as Cory was fully acquainted with it, and went many times to enquire after Mr. Sutton, or where he might be wrote to, in order to get the business done.

“ 2. I neither sent or asked for the money at all. It was paid to me as above, and the day it was so paid I received a letter from Mr. Bingham, informing me of his having wrote to Miss Pinckard to pay the money into my hands.

“ 3. Answered before.

“ 4. The money most certainly was Mr. Bingham's.

“ The above contains full and true answers
 “ to all your queries. And if any further infor-
 “ mation is wanting, and in my power to give,
 “ either in this or any other matter, I always
 “ have been and still am ready to give it.

“ If the proposal made you by Serjeant Davy
 “ the first day of my imprisonment had been
 “ accepted, the action occasioning these queries
 “ had never been brought; nor would that de-
 “ struction which the consequence of that im-
 “ prisonment has brought upon me and my un-
 “ happy children, have happened. But I con-
 “ clude that some secret enemy must have raised
 “ an unjust suspicion in your breast, which hur-
 “ ried you inconsiderately to destroy me; for
 “ surely your heart could not dictate your pro-
 “ ceedings against me.

“ But for God’s sake what could induce you
 “ to load me with the assertion of having injured
 “ you in your property, and that to the amount
 “ of many hundred pounds more than ever came
 “ into my hands? You know that the whole of
 “ my receipts on every account and from every
 “ person whosoever during our whole co-part-
 “ nership, together with the monies I am charg-
 “ ed with in the prosecutions against me very
 “ shortly, exceed 2200 l. out of which you also
 “ knew I paid all disbursements in business,
 “ clerks and laundress’s salaries, and all other
 “ out-goings, (except Mr. Lally’s bill and
 “ chamber rent) and this for upwards of three
 “ years. Add to this, my right to our mo ety
 “ of all the profits in business, not only of what
 “ I received, included in the above sum, but of
 “ the large sum remaining due when my de-
 “ struction

“ struction commenced, and which, from my
 “ calculations, could not be less than 1700l.
 “ exclusive of what you had before received of
 “ Lord De Lawarr, Sir Matthew Lamb, &c.
 “ &c. in all which you know I paid the whole
 “ disburse, but received nothing. These mat-
 “ ters might have been set in a true light, past
 “ a contradiction, by the settlement of our ac-
 “ counts, which I have so frequently desired,
 “ and now again request, the doing which can
 “ in no event injure you. And the further to
 “ induce you to come to that settlement, I am
 “ authorized to assure you, that I have a friend
 “ who will secure Mr. Bingham his demand,
 “ (with which I have charged myself in the
 “ above sum) if you will settle our whole ac-
 “ counts, and there shall not appear a ballance
 “ due to me thereon sufficient for that purpose,
 “ which whatever you may imagine, I am con-
 “ fident will appear at least so much in my fa-
 “ vour.

“ As to myself, was I discharged from pri-
 “ son this day, the sting of this place of horrors
 “ is too deep in me to suffer me to continue in
 “ a place where I was known and till this pro-
 “ secution I may say esteemed; but must seek
 “ a livelihood in some other climate; and there
 “ endeavour, if possible, to forget my present
 “ miseries, which are and have been so great
 “ and cutting as to render it greatly improbable
 “ they can ever be eradicated, and such as I
 “ hope you or yours will never feel, otherwise
 “ than in reflection that I labour under them:
 “ And if such reflection at all happens, it surely
 “ must induce you to ease me, and wish for a
 “ method

“ method so to do; and I think when one is
 “ pointed out, you will pursue it with chear-
 “ fulness. And that method I conceive will be
 “ for you to apply to the judges in my behalf
 “ to interceed with his Majesty for a pardon,
 “ on condition of my going abroad for a
 “ certain time, and that the special verdict be
 “ not argued at all. This will be a saving to
 “ you, and to my friends, of no inconsiderable
 “ expence; and I hope will meet with your
 “ consideration. I am,

“ Sir, your most distressed humble servant,

“ Jan. 31, 1767.

J. GIBSON.”

This letter was delivered by Mr. Boucher
 to Mr. F——s in his bed, where he was then
 confined by the gout. And the good-natured
 answer, as brought me by Mr. Boucher, was,
 “ D—n the fellow, can’t he write without
 “ invectives?” Whether any invectives are in
 this letter, is submitted to the reader; but if
 any such are found, it is only in a repetition
 of facts, which perhaps gave Mr. F——s
 offence; but I hope there are men in the
 world on whom they would have had a dif-
 ferent effect.

After waiting about a fortnight, and find-
 ing I was not likely to receive any farther
 answer from Mr. F——s, I sent to the
 attorney who brought the above action, and
 requested him to call on me, which he very
 obligingly did: and Mr. Boucher, my so-
 licitor,

licitor, happened to be at the same time present. I shewed him the last-mentioned letter, and desired to know what had been done in the cause. He informed me that it was ended, he having taken Mr. F——s's bond for much less than was due. Thus you see that Mr. F——s rather chose to pay this sum than to settle our accounts; his reasons for so doing must be left to the discerning part of mankind. The settlement of our accounts would not have prejudiced Mr. F——s, if justice was his only view; for supposing his allegations to be fact, this settlement would have proved it a matter, it is submitted of no small consequence.

At the time I was so indiscreet as to commit the offence, which has brought me to destruction, I had no idea of fraud or offending any written law, and never saw the act of parliament on which I was indicted, until it was produced against me at Sir John Fielding's: when, on considering it, I did not conceive myself affected thereby. But as I find it is determined against me, I, with the utmost resignation, submit to the divine will.

There are many matters I shall pass over in silence, as not quite pertinent to my case, and which, if mentioned, might, perhaps, with more propriety be called invective than any thing inserted in my last letter, and shall therefore now conclude, hoping the
public

public will make due allowance for my inaccuracies in indiction or stile, on account of my unhappy situation: and if any persons entertain the least doubt of any of the facts stated in this case, they, on application to me, shall have the fullest satisfaction.

If it is thought proper to make any answer to this case, I expect it to be verified as this is, in which event it shall receive an immediate reply, if I am so long permitted to be.

J. GIBSON.



F I N I S.

The King against James Gibson.

JAMES GIBSON, late of Lincoln's-Inn, attorney at law, maketh oath, That the contents of the pamphlet hereto annexed, written by himself, intitled, "THE CASE OF MR. JAMES GIBSON, attorney at law, faithfully and impartially stated." are true.

J. GIBSON.

Sworn at Newgate, Feb. }
20, 1768, before }

Stephen Postlethwaite a Com^r &c.

THE KING v. JAMES GIBSON.

JAMES GIBSON, late of Lincoln's Inn, attorney at law, marked each of the contents of the pamphlet hereto annexed, written by himself, inserted, "The Case of Mr. James Gibson, attorney at law, faithfully and impartially stated, and true."

MUSEUM

J. GIBSON.

Sworn at Newgate, Feb. 20, 1788, before

Stephen Pofflehardt a Court. Sec.

